

U.S. Application No.: 09/985,699
Attorney Ref. No.: 068800-0284057

II. REMARKS

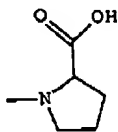
Preliminary Remarks

Claim 24 is further amended by inserting the term "SAP" in place of the phrase "disease-associated protein population" at the end of the claim. Claim 18 and the preamble of claim 24 were similarly amended by the response filed on July 15, 2005.

Patentability Remarks

With regard to the rejection under 35 U.S.C. §103(a)

Claims 18 and 24 of the present application have been amended to be directed to a method for the depletion of SAP from the plasma of a patient in need of such treatment, which comprises administering to the subject a therapeutically effective amount of D-proline of the formula (R)-1-[6-(R)-2-Carboxypyrrolidin-1-yl]-6-oxo-hexanoyl] pyrrolidine-2-carboxylic acid or a pharmaceutically acceptable salt or mono- or diester thereof, wherein R is the group



and monitoring the clearance of SAP from the subject's plasma.

In the official action dated February 18, 2005, the examiner rejected claims 18 and 24 under 35 U.S.C. §103(a) as allegedly being obvious in view of Hertel et al., considered together with van Kessel et al.

In response, an amendment was filed on July 15, 2005, with a declaration under 37 C.F.R. §1.132 by the inventor, Professor Mark B. Pepys, that identified scientific reasons why the claimed invention was not obvious to one of ordinary skill in the art at the time the invention was made.

Supplemental to the response that was filed on July 15, 2005, a recently published scientific article by Solomon *et al.* (2005, Organic Letters, 7(20):4369-4372) is submitted herewith as additional evidence of the non-obviousness of the claimed invention. Solomon *et al.* describe their efforts to develop a bifunctional ligand capable of binding and promoting the aggregation of a pentameric target protein. As indicated in the paragraph from their article shown below (*see* p. 4369), the authors credit Dr. Mark Pepys with the original suggestion for using a multifunctional ligand in such a manner:

"Use of multifunctional ligands that mediate aggregation between the serum pentraxin, serum amyloid P component (SAP), and pathogenic proteins was

U.S. Application No.: 09/985,699
Attorney Ref. No.: 068800-0284057

originally suggested by Mark Pepys," (citing International Patent Publication No. WO 03/012508 A1, 2003, of M. Pepys).

The applicant respectfully submits that the acknowledgment by Solomon *et al.* that Dr. Pepys was the first to suggest making and using multifunctional ligands that mediate the aggregation of SAP is additional evidence that the claimed invention was not obvious to one of ordinary skill in the art at the time the invention was made.

Withdrawal of the rejection of the pending claims under 35 U.S.C. §103(a) as allegedly being unpatentable in view of Hertel *et al.*, taken with van Kessel *et al.*, is respectfully requested.

U.S. Application No.: 09/985,699
Attorney Ref. No.: 068800-0284057

III. CONCLUSION

It is respectfully submitted that the present application is in condition for allowance and a notice to that effect is earnestly solicited. If any points remain in issue, which the examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

By 

Thomas A. Cawley, Jr., Ph.D.

Reg. No.: 40944

Tel. No.: (703) 770-7944

Fax No.: (703) 770-7901

November 1, 2005

P.O. Box 10500
McLean, VA 22102

TAC/CR/wks